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HOUSE BILL 2265

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Goodman, Rodne, Dunshee, Kenney, Kagi, Miloscia, Roberts, Lovick, Lantz, Hunter, Upthegrove, Hurst, Strow, O'Brien and Williams

Read first time 02/15/2007. Referred to Committee on Human Services.

1            AN ACT Relating to county supervised community options; and  
2 amending RCW 9.94A.505 and 9.94A.680.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 9.94A.505 and 2006 c 73 s 6 are each amended to read  
5 as follows:

6            (1) When a person is convicted of a felony, the court shall impose  
7 punishment as provided in this chapter.

8            (2)(a) The court shall impose a sentence as provided in the  
9 following sections and as applicable in the case:

10            (i) Unless another term of confinement applies, the court shall  
11 impose a sentence within the standard sentence range established in RCW  
12 9.94A.510 or 9.94A.517;

13            (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

14            (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

15            (iv) RCW 9.94A.545, relating to community custody for offenders  
16 whose term of confinement is one year or less;

17            (v) RCW 9.94A.570, relating to persistent offenders;

18            (vi) RCW 9.94A.540, relating to mandatory minimum terms;

19            (vii) RCW 9.94A.650, relating to the first-time offender waiver;

- 1 (viii) RCW 9.94A.660, relating to the drug offender sentencing  
2 alternative;
- 3 (ix) RCW 9.94A.670, relating to the special sex offender sentencing  
4 alternative;
- 5 (x) RCW 9.94A.712, relating to certain sex offenses;
- 6 (xi) RCW 9.94A.535, relating to exceptional sentences;
- 7 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
8 sentences;
- 9 (xiii) RCW 9.94A.603, relating to felony driving while under the  
10 influence of intoxicating liquor or any drug and felony physical  
11 control of a vehicle while under the influence of intoxicating liquor  
12 or any drug.
- 13 (b) If a standard sentence range has not been established for the  
14 offender's crime, the court shall impose a determinate sentence which  
15 may include not more than one year of confinement; community  
16 restitution work; until July 1, 2000, a term of community supervision  
17 not to exceed one year and on and after July 1, 2000, a term of  
18 community custody not to exceed one year, subject to conditions and  
19 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other  
20 legal financial obligations. The court may impose a sentence which  
21 provides more than one year of confinement if the court finds reasons  
22 justifying an exceptional sentence as provided in RCW 9.94A.535.
- 23 (3) If the court imposes a sentence requiring confinement of thirty  
24 days or less, the court may, in its discretion, specify that the  
25 sentence be served on consecutive or intermittent days. A sentence  
26 requiring more than thirty days of confinement shall be served on  
27 consecutive days. Local jail administrators may schedule court-ordered  
28 intermittent sentences as space permits.
- 29 (4) If a sentence imposed includes payment of a legal financial  
30 obligation, it shall be imposed as provided in RCW 9.94A.750,  
31 9.94A.753, 9.94A.760, and 43.43.7541.
- 32 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
33 court may not impose a sentence providing for a term of confinement or  
34 community supervision, community placement, or community custody which  
35 exceeds the statutory maximum for the crime as provided in chapter  
36 9A.20 RCW.
- 37 (6) The sentencing court shall give the offender credit for:

1       (a) All confinement time served before the sentencing if that  
2 confinement was solely in regard to the offense for which the offender  
3 is being sentenced; and

4       (b) All time served before the sentencing in an available county  
5 supervised community option if that time was solely in regard to the  
6 offense for which the offender is being sentenced.

7       (7) The court shall order restitution as provided in RCW 9.94A.750  
8 and 9.94A.753.

9       (8) As a part of any sentence, the court may impose and enforce  
10 crime-related prohibitions and affirmative conditions as provided in  
11 this chapter.

12       (9) The court may order an offender whose sentence includes  
13 community placement or community supervision to undergo a mental status  
14 evaluation and to participate in available outpatient mental health  
15 treatment, if the court finds that reasonable grounds exist to believe  
16 that the offender is a mentally ill person as defined in RCW 71.24.025,  
17 and that this condition is likely to have influenced the offense. An  
18 order requiring mental status evaluation or treatment must be based on  
19 a presentence report and, if applicable, mental status evaluations that  
20 have been filed with the court to determine the offender's competency  
21 or eligibility for a defense of insanity. The court may order  
22 additional evaluations at a later date if deemed appropriate.

23       (10) In any sentence of partial confinement, the court may require  
24 the offender to serve the partial confinement in work release, in a  
25 program of home detention, on work crew, or in a combined program of  
26 work crew and home detention.

27       (11) In sentencing an offender convicted of a crime of domestic  
28 violence, as defined in RCW 10.99.020, if the offender has a minor  
29 child, or if the victim of the offense for which the offender was  
30 convicted has a minor child, the court may, as part of any term of  
31 community supervision, community placement, or community custody, order  
32 the offender to participate in a domestic violence perpetrator program  
33 approved under RCW 26.50.150.

34       **Sec. 2.** RCW 9.94A.680 and 2002 c 175 s 12 are each amended to read  
35 as follows:

36       Alternatives to total confinement are available for offenders with

1 sentences of one year or less. These alternatives include the  
2 following sentence conditions that the court may order as substitutes  
3 for total confinement:

4 (1) One day of partial confinement may be substituted for one day  
5 of total confinement;

6 (2) In addition, for offenders convicted of nonviolent offenses  
7 only, eight hours of community restitution may be substituted for one  
8 day of total confinement, with a maximum conversion limit of two  
9 hundred forty hours or thirty days. Community restitution hours must  
10 be completed within the period of community supervision or a time  
11 period specified by the court, which shall not exceed twenty-four  
12 months, pursuant to a schedule determined by the department; and

13 (3) For offenders convicted of nonviolent and nonsex offenses, the  
14 court may authorize county jails to convert jail confinement to an  
15 available county supervised community option, may authorize the time  
16 spent in the community option to be reduced by earned release credit  
17 consistent with local correctional facility standards, and may require  
18 the offender to perform affirmative conduct pursuant to RCW 9.94A.607.

19 For sentences of nonviolent offenders for one year or less, the  
20 court shall consider and give priority to available alternatives to  
21 total confinement and shall state its reasons in writing on the  
22 judgment and sentence form if the alternatives are not used.

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